

Code of Practice

Imperial College London (Imperial) and Imperial College Union (ICU)

1. Regulatory Framework

The Education Act 1994 ("the Act") requires governing bodies of universities to take such steps as are reasonably practicable to secure that any students' union operates in a fair and democratic manner and is accountable for its finances. The Act requires universities to prepare and issue a Code of Practice setting out the manner in which the requirements of the Act will be carried out.

This Code of Practice has been prepared to satisfy the requirements stated above. It has been approved by Council which, as the College's governing body, has overall responsibility for monitoring adherence to the Code.

This Code of Practice should be considered alongside the ICU and Imperial Partnership Agreement, which sets out the management and operational relationship between the two organisations.

2. Education Act 1994 Code of Practice

This section sets out how the College Council requires the Union to comply with relevant sections of the Education Act 1994.

Education Act 1994 Requirement	Response & Responsibilities
22 (1) The governing body of every establishment to which the part applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.	<p>The College Council is the governing body of Imperial. It approves ICU's Articles and approves this Code of Practice.</p> <p>In addition to this, as a registered charity the ICU Trustee Board is legally required to ensure the organisation is fit for purpose and accountable for its finances.</p>
(2) The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment — (a) the union should have a written constitution;	<p>College Council ensures that ICU has a written constitution and receives an annual report from the Trustees on its activities.</p> <p>The ICU Trustee Board shall ensure that the constitution is up to date and publicly available on the students' union website.</p>
(b) the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;	<p>The constitution was most recently approved by College Council in 2018. The next quinquennial review / approval by College Council will take place no later than July 2023.</p> <p>The College Secretary is responsible for ensuring ICU is aware of the date by which the review is due. The College Secretary will agree a review timetable to ensure such review accommodates meeting dates of both the College Council and ICU Trustee Board.</p>

	<p>The ICU Trustee Board is responsible for implementing the review and ensuring approval by College Council and any other body required to give approval.</p> <p>No change to the Articles proposed by ICU at any time shall be effective until approved by the College Council.</p>
<p>(c) a student should have the right— (i) not to be a member of the union, or (ii) in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so;</p>	<p>The constitution shall contain a clear provision for students to opt out of membership of the Union. This is currently provided for as Section E of the Articles.</p> <p>The ICU Trustee Board shall ensure that other services (other than democratic participation) are available to students irrespective of whether they have opted out of membership of the Union.</p>
<p>(d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;</p>	<p>College Council ensures that the ICU Constitution clearly sets out the procedures for the operation of free and fair elections, which will be by secret ballot.</p> <p>In addition to this, each year the ICU Trustee Board shall agree a formal set of election rules and regulations and appoint an External Returning Officer / Deputy Returning Officer.</p>
<p>(e) the governing body should satisfy themselves that the elections are fairly and properly conducted;</p>	<p>The ICU Trustee Board shall receive an annual report from the External Returning Officer on the elections, confirming their view that they have been fairly and properly conducted.</p> <p>A report / statement regarding the elections shall be included in the annual report provided by the Union to College Council.</p>
<p>(f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;</p>	<p>The ICU Trustee Board shall hold a list of all students elected into paid office at Imperial, to ensure that no candidate can hold office for more than two years.</p>
<p>(g) The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body</p>	<p>The ICU Trustee Board shall be responsible for ensuring the effective financial management of the Union.</p> <p>The Union shall share its annual budget with College office holders as part of the planning and budgeting process.</p>

	<p>ICU shall submit its annual audited accounts to the College's Audit and Risk Committee. The Union shall take part in the College's internal audit scheme, overseen by the College's Audit and Risk Committee.</p>
<p>(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular; a list of the external organisations to which the union has made donations in the period to which the report relates and details of those donations.</p>	<p>The ICU Trustee Board shall ensure that the ICU annual accounts are published at least once in each academic year on both the Charity Commission and ICU websites. Such accounts shall contain details of donations made to external organisations.</p>
<p>(i) The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students</p>	<p>The ICU Trustee Board shall set an annual allocation as part of its overall budget for grants to groups and clubs.</p> <p>The ICU Trustee Board, in conjunction with Union Council, shall agree all policy principles behind the allocation of funding. This shall be published on the Union's website.</p>
<p>(j) If the union decide to affiliate to an external organisation, it should publish notice of its decision stating: (i) the name of the organisation, and (ii) details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students.</p>	<p>The Union's Constitution shall establish the process for approving external affiliation.</p> <p>This is currently provided for as Section G of the Articles.</p>
<p>(k) Where the union is affiliated to any external organisations, a report should be published annually or more frequently containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions to similar fees paid, or donations made, to such organisations in the past year or since the last report, and such reports should be made available to the governing body and to all students.</p>	<p>A list of the external organisations to which ICU is affiliated shall be included in the annual report received by College Council.</p> <p>The ICU Trustee Board shall ensure that the ICU annual accounts are published at least once in each academic year on both the Charity Commission and ICU websites. Such accounts shall contain details of external affiliations.</p>
<p>(l) There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine, that the</p>	<p>The Union's constitution shall establish the process for approving external affiliation.</p> <p>This is currently provided for as Section G of the Articles.</p>

<p>question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.</p>	
<p>(m) There should be a complaints procedure available to all students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision of an independent person appointed by the governing body to investigate and report on complaints.</p>	<p>The ICU Trustee Board shall ensure the Union's byelaws includes a provision for a complaints procedure for members, which includes the right for students to pursue the matter with the College.</p> <p>This is currently provided for as Section G of the Byelaws.</p>
<p>(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p>The Trustee Board shall ensure that the Complaints Process is supported by an operational policy and procedure to ensure it operates effectively, including remedy.</p>
<p>22(3) The governing body of every establishment to which this Part applies shall for the purposes of this section prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students' union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.</p>	<p>The College Secretary is responsible for ensuring that this Code of Practice is accurate, implemented, published and reviewed, and that College Council continues to fulfil its responsibilities for oversight of ICU under the Education Act 1994</p>
<p>22(4) The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year—</p> <p>(a) the code of practice currently in force under subsection (3),</p> <p>(b) any restrictions imposed on the activities of the union by the law relating to charities, and</p> <p>(c) where the establishment is one to which section 43 of the M1Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union.</p>	<p>This Code of Practice is approved by College Council and agreed with the ICU Trustee Board.</p> <p>It shall be published by both Imperial and ICU, normally via their websites.</p> <p>The College shall be responsible for ensuring this Code of Practice is brought to the attention of all students during enrolment.</p> <p>ICU shall make all students publicly aware of their charitable status and inform them of legislation and restrictions imposed up on them as a consequence of its charitable status.</p> <p>The College has a Freedom of Speech Policy which is published on the College website.</p>
<p>22(5) The governing body of the establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is</p>	<p>Information about opting out of full membership of ICU shall be brought to the attention of students during enrolment. This is the responsibility of the College.</p>

generally made available to persons considering whether to become students at the establishment; (a) Information as to the right referred to in subsection (2)(c)(i) and (ii), and (b) Details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.	
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NB. Clauses 6 – 9 of Section 22 of the Education Act 1994 are definitional and do not require any action on behalf of the College or Students' Union.

Approved: Council 26 November 2021

Review: by November 2026